

The Gazette of India

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 51] NEW DELHI, MONDAY, NOVEMBER 23, 1959/AGRAHAYANA 2, 1881

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 23rd November, 1959:—

BILL No. XX OF 1959

A bill to provide for the extension of the Married Women's Property Act 1874, to parts of India in which it is not now in force.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Married Women's Property (Extension) Act, 1959. Short title,
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

3 of 1874. 2. In section 2 of the Married Women's Property Act, 1874 (hereinafter referred to as the principal Act), for the sentence "It extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States.", the sentence "It extends to the whole of India except the State of Jammu and Kashmir." shall be substituted. Amendment
of section 2.

3. For sub-section (2) of section 6 of the principal Act, the following sub-section shall be substituted, namely:— Amendment
of section 6.

"(2) Notwithstanding anything contained in section 2, the provisions of sub-section (1) shall apply in the case of any policy of insurance such as is referred to therein which is effected—

(a) by any Hindu, Muhammadan, Sikh or Jain—

(i) in Madras, after the thirty-first day of December, 1913, or

(ii) in any other territory to which this Act extended immediately before the commencement of the Married Women's Property (Extension) Act, 1959, after the first day of April, 1923, or

(iii) in any territory to which this Act extends on and from the commencement of the Married Women's Property (Extension) Act, 1959, on or after such commencement;

(b) by a Buddhist in any territory to which this Act extends, on or after the commencement of the Married Women's Property (Extension) Act, 1959:

Provided that nothing herein contained shall affect any right or liability which has accrued or been incurred under any decree of a competent court passed—

(i) before the first day of April, 1923, in any case to which sub-clause (i) or sub-clause (ii) of clause (a) applies; or

(ii) before the commencement of the Married Women's Property (Extension) Act, 1959, in any case to which sub-clause (iii) of clause (a) or clause (b) applies."

Amendment
of Act 30 of
1950.

4. In Part A of the Schedule to the Union Territories (Laws) Act, 1950, the entry relating to the Married Women's Property Act, 1874, shall be omitted.

Repeals and
savings.

5. If immediately before the commencement of this Act, there is in force in any territory to which the principal Act is now extended any law corresponding to the principal Act, that law shall, save as otherwise expressly provided in this Act, stand repealed on such commencement:

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder,

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed,

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of the principal Act, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the principal Act.

STATEMENT OF OBJECTS AND REASONS

The Married Women's Property Act, 1874, does not now extend to the territories which were formerly comprised in Part B States; nor does it extend to the Union territory of Manipur by reason of the provisions contained in the Union Territories (Laws) Act, 1950. Generally speaking, the provisions of the Act are not applicable to Hindus, Muhammadans, Sikhs, Buddhists or Jains, but section 6(1), which has been made applicable to policies of insurance effected by Hindus, Muhammadans, Sikhs and Jains after a specified date, provides that an insurance policy taken out by a married man on his own life for the benefit of his wife or children will be deemed to be a trust for the benefit of the wife or children and will not, so long as any object of the trust remains, be subject to the control of the husband or of his creditors or form part of his estate. Under the proviso to section 34(1) of the Estate Duty Act, 1953 (34 of 1953), moneys secured by such a policy will not be aggregated with any other property but will be treated as a separate estate for purposes of estate duty. It is now considered desirable to amend the Act so as to render available the benefit of section 6, and consequently also the proviso to section 34(1) of the Estate Duty Act, 1953, to persons in the former Part B States and Manipur. Hence the present Bill, which, incidentally, brings Buddhists also within the scope of section 6(2).

NEW DELHI;

A. K. SEN.

The 2nd November, 1959.

S. N. MUKERJEE,

Secretary.